

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KYLE PIPPINS, JAMIE SCHINDLER, and EDWARD	:	11 CV 0377 (CM)
LAMBERT, Individually and On Behalf of All Others	:	
Similarly Situated,	:	
	:	DEFENDANT KPMG LLP'S
Plaintiffs,	:	NOTICE OF MOTION FOR
	:	SUMMARY JUDGMENT
-against-	:	
	:	
KPMG LLP,	:	
	:	
Defendant.	:	
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PLEASE TAKE NOTICE that, upon defendant KPMG LLP's ("KPMG") accompanying memorandum of law in support of this motion and Local Civil Rule 56.1 statement of undisputed material facts in support of its motion for summary judgment; the accompanying declarations of Eileen M. Walsh, David J. Butler, and Jennifer Altfeld Landau and exhibits attached thereto; and any prior pleadings and proceedings, as well as any other submissions that shall be made in support of this motion, the undersigned, on behalf of KPMG will move the Court before the Honorable Colleen McMahon at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, on a date and time to be determined by the Court, for an order, pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting summary judgment in KPMG's favor on the grounds that there is no genuine issue of material fact that: (i) the Audit Associate position at KPMG is an exempt position under the professional exemption contained in the Fair Labor Standards Act ("FLSA"); and (ii) all KPMG Audit Associates are accordingly exempt from the FLSA's overtime provisions. KPMG further moves this Court to enter an order dismissing with prejudice Plaintiffs' First Cause of

Action in the First Amended Class Action Complaint. KPMG also seeks such further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE THAT responses and objections to this motion, if any, shall be in writing, shall state with particularity the reasons for the objection or response, and pursuant to the Court's endorsed Order entered on May 7, 2012, shall be filed and served by June 29, 2012. Only those objections which have been timely filed and served may be considered by the Court. No hearing date has been determined.

PLEASE TAKE FURTHER NOTICE THAT if you fail to respond in accordance with this Notice, the Court may grant the relief requested by this motion without further notice or hearing.

Dated: New York, New York
June 8, 2012

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